Agenda – Council – March 22, 2018

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018

Item No. 4 License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg and Shaw Cablesystems Limited

STANDING COMMITTEE RECOMMENDATION:

On March 14, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the following to Council:

1. That the proposed terms and conditions attached as Schedules "A" and "B" to amend the original Facilities License Agreement between the City of Winnipeg and Shaw Cablesystems Limited, dated January 17, 2013, be approved.

2. That the City enter into, execute and deliver a License Amending Agreement with Shaw Cablesystems Limited and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the License Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That the Proper Officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

Report – Standing Policy Committee on Property and Development, Heritage and Downtown Development – March 2, 2018

DECISION MAKING HISTORY:

EXECUTIVE POLICY COMMITTEE RECOMMENDATION:

On March 14, 2018, the Executive Policy Committee concurred in the recommendation of the Standing Policy Committee on Property and Development, Heritage and Downtown Development and submitted the matter to Council.

STANDING COMMITTEE RECOMMENDATION:

On March 2, 2018, the Standing Policy Committee on Property and Development, Heritage and Downtown Development concurred in the recommendation of the Winnipeg Public Service and submitted the matter to the Executive Policy Committee and Council.

ADMINISTRATIVE REPORT

Title: License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg ("City") and Shaw Cablesystems Limited ("Shaw")

Critical Path: Standing Policy Committee on Property and Development, Heritage and Downtown Development, Executive Policy Committee, Council

AUTHORIZATION

Author	Department Head	CFO	CAO
B. Erickson	J. Kiernan	M. Ruta	D. McNeil

EXECUTIVE SUMMARY

1. Request for approval to amend the original Facilities Attachment License Agreement dated January 17th, 2013 (commencing November 14, 2012 and terminating November 13, 2022) between the City of Winnipeg and Shaw Cablesystems Limited (the "Agreement"), as initially approved by Council on November 14, 2012, to permit free WiFi access universally in associated civic facilities. The public will receive free WiFi in certain City facilities (as opposed to solely Shaw customers as under the agreed terms and conditions).

RECOMMENDATIONS

1. That the proposed terms and conditions attached as Schedules "A" and "B" to amend the original Facilities License Agreement between the City of Winnipeg and Shaw Cablesystems Limited, dated January 17, 2013, be approved.

2. That the City enter into, execute and deliver a License Amending Agreement with Shaw Cablesystems Limited and such other agreements as determined necessary by the City Solicitor / Director of Legal Services to implement the intent of the foregoing (the "Ancillary Agreements").

3. That authority be delegated to the Chief Administrative Officer to negotiate and approve the terms and conditions of the License Amending Agreement and the Ancillary Agreements, in accordance with this report and such other terms and conditions deemed necessary by the City Solicitor / Director of Legal Services to protect the interests of the City.

4. That the proper officers of the City be authorized to do all things necessary to implement the intent of the foregoing.

REASON FOR THE REPORT

The Standing Policy Committee on Property and Development, Heritage and Downtown Development advised on January 12, 2016 that the Winnipeg Public Service is to report back to the Committee on the implementation of free WiFi services to the public in City of Winnipeg Facilities.

As the Agreement was approved by the Standing Policy Committee on Property and Development, Heritage and Downtown Development, Executive Policy Committee and Council, the same approval is required in order to amend the Agreement.

IMPLICATIONS OF THE RECOMMENDATIONS

2. The Planning, Property and Development Department have determined that there are no general, policy, regulatory, environmental or human resource implications to amending the Agreement.

3. The City will no longer collect an average of $8,500.00 annually from the Agreement. In exchange for the waiver of remuneration, the public will receive free WiFi in certain City facilities (as opposed to solely Shaw customers as under the agreed terms and conditions).

HISTORY/DISCUSSION

The City of Winnipeg entered into the Agreement with Shaw Cablesystems Limited on January 17th, 2013 to provide Shaw “Go WiFi” to Shaw customers in certain City facilities. The City received a fee of $18.88 excluding sales tax, annually per facility.

On January 12, 2016, a discussion was held by the Standing Policy Committee on Property and Development, Heritage and Downtown Development regarding the implementation of free WiFi services to the public in certain City of Winnipeg facilities. The direction following this meeting was to have the Public Service report back to the Committee with their findings and recommendation.

On April 25, 2017, the City was approached by Shaw to amend the Agreement, which would remove the requirement that Shaw pay an annual fee to the City based on the number of facilities they are servicing. In exchange for the removal of the fee, Shaw will provide access to WiFi for the general public in those City facilities covered by the Agreement (a list of the City facilities covered by the Agreement is attached as Schedule “B”), which would benefit all users as opposed to solely Shaw customers as formerly provided for in the agreed terms and conditions.

FINANCIAL IMPACT

Financial Impact Statement

Date: January 17, 2018

Project Name:

First Year of Program 2018

License Amendment for current Facilities Attachment License Agreement between the City of Winnipeg ("City") and Shaw Cablesystems Limited ("Shaw")

	2018	2019	2020	2021	2022
Capital					
Capital Expenditures Required	$ -	$ -	$ -	$ -	$ -
Less: Existing Budgeted Costs	-	-	-	-	-
Additional Capital Budget Required	$ -	$ -	$ -	$ -	$ -
Funding Sources:					
Debt - Internal	$ -	$ -	$ -	$ -	$ -
Debt - External	-	-	-	-	-
Grants (Enter Description Here)	-	-	-	-	-
Reserves, Equity, Surplus	-	-	-	-	-
Other - Enter Description Here	-	-	-	-	-
Total Funding	$ -	$ -	$ -	$ -	$ -
Total Additional Capital Budget Required	$ -				
Total Additional Debt Required	$ -				
Current Expenditures/Revenues					
Direct Costs	$ -	$ -	$ -	$ -	$ -
Less: Incremental Revenue/Recovery	(8,500)	(8,500)	(8,500)	(8,500)	(8,500)
Net Cost/(Benefit)	$ 8,500	$ 8,500	$ 8,500	$ 8,500	$ 8,500
Less: Existing Budget Amounts	8,500	8,500	8,500	8,500	8,500
Net Budget Adjustment Required	$ -	$ -	$ -	$ -	$ -

Additional Comments: The decrease in revenue beginning in 2018 represents the estimated annual foregone revenue. Given the immaterial amount of the reduction in rental revenue, no budget adjustment is required.

"Original signed by"
Mike McGinn, CPA, CA
Manager of Finance

CONSULTATION

This Report has been prepared in consultation with:

Internal Consultation With:

Legal Services as to legal issues
Corporate Support Services

External Consultation With:

Shaw Cablesystems Limited

OURWINNIPEG POLICY ALIGNMENT

03-1 Opportunity (Direction #2): Provide equitable access to municipal programs, services and facilities.

- Work to implement accessible City communications.
- Promote social development and inclusion through strategic alliances with service providers.

Shaw intends to provide a service to the citizens by allowing them to access free Wi-Fi in certain City Facilities, in turn enhancing accessibility to City communications.

SUBMITTED BY

Department: Planning, Property and Development
Division: Property Management
Prepared by: Jess Fleming, Real Estate Officer
Date: January 15, 2018

Attachments: Schedule A & B

O:\Report Directive\Municipal Accommodations\Leases\2017\MA2017-211 - License Amendment for current Facilities Attachment License Agreement btwn CoW Shaw Cablesystems Ltd Dec 12 2017.docx

SCHEDULE A

PROPOSED TERMS AND CONDITIONS TO AMEND THE FACILITIES ATTACHMENT LICENSE AGREEMENT BETWEEN THE CITY OF WINNIPEG AND SHAW CABLESYSTEMS LIMITED

Licensor: 1. The City of Winnipeg (the "City")

Licensee: 2. Shaw Cablesystems Limited (the "Shaw")

Purpose: 3. To amend the original Facilities Attachment License Agreement between the City and Shaw dated January 17, 2013 (hereinafter referred to as the "Principal Agreement").

Effective Amendment Date: 4. The first day of the month following approval from Council or its delegated authority or such other date as mutually agreed upon.

Amendments: To amend the Principal Agreement as follows:

5. To replace the current "List of Facilities" attached as Schedule A in the Principal Agreement with the "Revised List of Facilities" attached hereto as Schedule "B".

6. To delete the current Section 22, which reads as follows:

*22. **Fee.** In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to pay the City a fee in the amount of $18.88, excluding sales tax, annually per Facility calculated based on each Access Point were Shaw makes attachment of the Works in the Facility. The annual fee will be due and payable on the anniversary of the Commencement Date in each year of the Term.*

And replace Section 22 with the following:

*22. **Complimentary WiFi Access.** In consideration of the grant herein by the City to Shaw, Shaw hereby agrees to offer the general public complimentary guest access to use the Shaw Go WiFi services. Such general public use will be subject to Shaw's Guest Access terms and policies and will*

be limited to use at each Facility where Shaw has installed and is operating attachment points.

7. All other terms and conditions of the Principal Agreement to remain unchanged.

Other:

8. Shaw shall enter into a formal agreement with the City embodying the foregoing Proposed Terms and Conditions and such other Terms and Conditions as the Director of Legal Services deems necessary and in a form satisfactory to the Director of Legal Services

9. **The proposed terms and conditions of the proposed License Amending Agreement contained herein, are subject to the approval of Council, or its delegated authority, and are not binding until such time as that approval is obtained.**

SCHEDULE B

REVISED LIST OF FACILITIES

LIST OF FACILITIES

FACILITY	ADDRESS
St. Vital Arena, Phase 2	580 St. Anne's Road
Aberdeen Recreation Centre	415 Stella Avenue
Administration Bldg Civic Centre Complex	510 Main St
Archwood CC	565 Guilbault Street
Assiniboine West CC	305 Morgan Crescent
Assiniboine West CC	861 Buchanan Boulevard
Bertrand Arena	294 Bertrand Avenue
Billy Mosienko Arena	709 Keewatin
BoniVital Indoor Pool & Bldg	1215 Archibald Street
Bourkevale CC	100 Ferry Road
Bourkevale CC Garage	100 Ferry Road
Broadway Neighbourhood Centre	185 Young Street
Bronx Park CC	720 Henderson Hwy
Burton Cummings CC	960 Arlington Street & McDermot Avenue
CentreVille Library	131 Provencher Boulevard
Century Indoor Arena	1377 Clarence Avenue
Chalmers CC	480 Chalmers Avenue
Champlain CC	282 Niverville Avenue
Charles A Barbour (Grant Park) Arena	500 Nathaniel Street
Charleswood Library	5014 Roblin Blvd
Cindy Klassen Recreation Complex & Library	999 Sargent Avenue
Clara Hughes Recreation Park	281 Henderson Hwy
Clifton CC	1315 Strathcona Street
Cornish Library	20 West Gate
Council Building Civic Centre Complex	510 Main St
Crescentwood CC	1170 Corydon Avenue
Dakota CC	1188 Dakota Street
Deer Lodge CC	323 Bruce Avenue
Downtown Concourse, ALL Leased Areas	365 Main Street
Dufferin Seniors Centre	377 Dufferin Avenue
Earl Grey CC	360 Cockburn Street North
East Elmwood Community Centre	490 Keenleyside St
East End CC Ed Golding (2 Rinks) Arena	517 Melrose Avenue East
Ed Golding Memorial Arena - East End Arena	517 Pandora Ave E
EK Senior Citizens Centre	180 Poplar Avenue

Eldon Ross Indoor Pool & Bldg.	1887 Pacific Avenue West
Elmwood Kildonan Pool & Bldg.	909 Concordia Avenue
Eric Coy Craft Corner	535 Oakdale Drive
Firefighters Museum	56 Maple St
Fort Garry CC	880 Oakenwald Avenue
Fort Garry Library	1360 Pembina Highway
Fort Garry Library , Phase 2	1360 Pembina Highway
Fort Rouge Leisure Centre/Lawn Bowl	625 Osborne Street
Central CC (Freight House Outdoor Pool)	200 Isabel Street
Garden City CC	725 Kingsbury Avenue
Gateway Community Centre	600 Bonner Ave
Glenlee CC	176 Worthington Street
Glenwood CC	27 Overton Street
Grants Old Mill	2777 Portage Avenue
Greendell CC	75 Woodlawn Street
Henderson Library	1050 Henderson Highway
Heritage Victoria Park Rec Assoc	950 Sturgeon Road
Kildonan Park Golf Course	2021 Main Street
Kirkfield Westwood CC	165 Sansome Avenue
Kirkfield Westwood CC	3160 McBey Avenue
Linden Woods CC	414 Lindenwood Drive West
Lawn Tennis Club	705 North Drive
Living Prairie Museum	2795 Ness Ave 1AP
Lord Roberts CC	725 Kylemore Avenue & Cockburn Street
Louis Riel Library	1168 Dakota Street
Maginot Indoor Arena	910 Maginot St
Magnus Eliason Recreation Centre	430 Langside Street
Margaret Grant Indoor Pool & Bldg.	685 Dalhousie Drive
Mayfair Recretion Centre	40 Mayfair Place
Melrose Park CC	480 Kimberly Avenue
Millennium Library	251 Donald Street
Munroe Library	489 London Avenue
N.E. Centennial Indoor Pool & Bldg.	90 Sinclair Street
Norberry CC	26 Molgat Avenue
Norquay CCentre	5 Beaconsfield Street
Norquay CClub	65 Granville Street
North End Seniors Centre	86 Sinclair Street
North Kildonan CC	1144 Kingsford Place & Mark Pearce Avenue
Northwest Library	765 Keewatin Street
Northwood CC	1415 Burrows Avenue (E of Sheppard)
Northwood CC, Frank Whyte Rec Centre	1245 Fife Street

Norwood CC - Outdoor Pool	87 Walmer Street (E of Lawndale Avenue)
Notre Dame Rec CC	271 avenue de la Cathedrale
Notre Dame Rec CC, Phase 2	271 avenue de la Cathedrale
Old Exhibition Arena	80 Sinclair Street
Rapid Transit - Osborne & Pembina	Osborne and Pembina
Osborne Library	625 Osborne St
Oxford Heights CC	359 Dowling Avenue East
Pan Am Pool	25 Poseidon Bay
Pantages Playhouse	180 Market
Park City West CC	115 Sanford Fleming Road
Peguis Trail Fitness/Chief Peguis School	1400 Rothesay Street
Pembina Trail Library	2724 Pembina Highway
Pembina Trail Library , Phase 2	2724 Pembina
Pioneer Arena	799 Logan Avenue
Ralph Brown CC	460 St Andrews Street
Richmond Kings CC	666 Silverstone Avenue
River East Indoor Arena	1410 Rothesay Street
River Heights CC & Arena	1370 Grosvenor Ave
River Heights Library	1520 Corydon Avenue
River Osborne CC	101 Pembina Highway
Riverview Community Club	90 Ashland
Robert A. Steen Memorial CC	980 Palmerston Avenue
Roblin Park CC	640 Pepperloaf Crescent
Sam Southern Indoor Arena	625 Osborne Street
Sargent Park Indoor Arena	1111 Wall Street
Sargent Park Indoor Arena, Phase 2	1111 Wall Street
Senior's Centre - Old Charleswood Library	4910 Roblin Blvd
Seven Oaks Indoor Pool & Bldg.	444 Adsum Drive
Sherbrook Indoor Pool & Bldg.	381 Sherbrook Street
Sinclair Park CC	490 Sinclair Street
Sir John Franklin CC	1 Sir John Franklin Road
South Transcona CC	124 Borden Street
Southdale CC / Arena	254 Lakewood Boulevard
St. James Centennial Indoor Pool	644 Parkdale Street
St. James Civic Centre Arena	2055 Ness Avenue
St. James Cultural Centre	3172 Portage Avenue
St. James/Assiniboia Library	1910 Portage Avenue
St. John's Library	500 Salter Street
St. Norbert CC & Arena	3450 Pembina Highway
St. Vital Arena	580 St. Anne's Road
St. Vital Library	6 Fermor Avenue

Sturgeon Heights CC	210 Rita Street
Transcona Centennial Pool & Bldg.	1101 Wabasha Street
Transcona Library	111 Victoria Avenue
Transcona Museum	141 Regent Avenue
Transcona Seniors Centre	328 Whittier Avenue W
Transit Ticket/Lounge	210 Portage Avenue
Turtle Island Recreation Centre	510 King Street
Tuxedo CC	368 Southport Boulevard
Valley Gardens CC	218 Antrim Road
Orioles CC (Valour CC)	444 Burnell
Valour CC (formerly Isaac Brock CC)	715 Telfer Street North
Victoria / Linden Woods CC	80 Derek Street
Vimy Indoor Arena	255 Hamilton Avenue
Vince Leah CC	1295 Salter Street NW of Southall & Aikins
Waverley Heights CC	1885 Chancellor Drive & Lakepointe Road
West Kildonan Library	365 Jefferson Avenue
Westdale CC	550 Dale Blvd.
Weston Memorial CC	1625 Logan Avenue & McKelvey Street
Westridge CC	3 Marshall Crescent
Westwood Library	66 Allard Avenue
Wildwood Community Centre	271 Northdrive
Winakwa CC	980 Winakwa Road
Windsor CC	99 Springside Dr.
Windsor Community Centre	99 Springside Drive
Windsor G.C.	10 Des Meurons Street
Windsor Park Library	955 Cottonwood Road
WRHA St Johns Leisure center	601 Aikins Street